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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED

Leroy B. KEELY et al.	)	
	)	Group Art Unit: 2675
Serial No.: 09/750,288	)	
	)	Examiner: A. Awad
Filed: December 29, 2000	)	Technology Center 2600
	)	Attorney Docket No. 003797.00071
For: CLASSIFYING, ANCHORING, AND	)	
TRANSFORMING INK	)	

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**APPEAL BRIEF**

Sir:

This is a brief in accordance with 37 C.F.R. § 1.192, filed in support of appellant's April 13, 2004 Notice of Appeal. Please charge the Appeal Brief fee specified in 37 C.F.R. § 1.17(c) to our Deposit Account No. 19-0733. A duplicate of this sheet is attached for accounting purposes.

**I. REAL PARTY IN INTEREST**

The owner of this application and real party in interest, is Microsoft Corporation of Redmond, Washington.

**II. RELATED APPEALS AND INTERFERENCES**

There are no appeals or interferences related to the present appeal.

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### **III. STATUS OF CLAIMS**

Claims 1-30 (as set forth in the Appendix hereto) are pending. The final Office Action, mailed January 14, 2004, rejected pending claims 2, 7, 8 and 27-29 under 35 U.S.C. § 102(e). Claims 1, 3-6 and 14-21 were rejected under 35 U.S.C. § 103(a). Claims 9-13 and 22-26 were rejected under 35 U.S.C. § 103(a). Claim 30 was rejected under 35 U.S.C. § 103(a). The rejections of claims 1-30 are appealed.

### **IV. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the final Office Action. However, an after final response was filed on April 13, 2004.

### **V. SUMMARY OF INVENTION**

The claimed inventions provide a technique for adding electronic ink to an electronically displayed document. Annotations may include text annotations, drawings, highlights, bookmarks, and the like as are related to the general field of active reading. In one embodiment, the system modifies the content of the document to add an anchor to the document. Annotations may include highlighting, adding textual notes, adding drawings (as one would expect to do with a pencil or pen to a paper book), and adding bookmarks.

To identify appropriate associations, aspects of the system and method first classifies the shape and then use this classification to help identify multiple independent elements that may be associated. The multiple independent anchors may include one or more objects and/or areas being annotated, as well as any other annotations that are near enough to be associated.

An aspect includes a computer-implemented method for adding electronic ink to displayed

information on a system having a display. The method comprises the steps of classifying the electronic ink based on a shape of the electronic ink and associating the classified electronic ink with at least one object of the displayed information. With marks on text or a displayed object, it is important to keep the associated portion of the mark properly related to the text or displayed object it marks, in position and size, even as the text may change or move. To preserve the meaning and associations of ink annotations as the underlying elements move or change, the methods recognize which strokes, and which groups of strokes, require each of these treatments. A stroke's (electronic ink) shape is used to classify it into one of several types.

An aspect includes a computer-implemented method for adding electronic ink to displayed information on a system having a display. The method comprises the steps of classifying the electronic ink and associating the electronic ink with at least one object of said displayed information. The associating step further includes the step of anchoring the electronic ink to the at least one object by adding a link at or near the object pointing to said electronic ink.

An aspect includes a computer-implemented method for adding electronic ink to displayed information on a system having a display. The method comprises the steps of classifying the electronic ink and associating the electronic ink with at least one object of said displayed information, wherein the relationship of the electronic ink to the at least one object is maintained despite re-flowing of the displayed information by a layout engine.

An aspect includes a computer readable medium having a program stored thereon in which the program implements a method for adding electronic ink to displayed information on a system having a display. The program comprises the steps of classifying said electronic ink based on shape

of the electronic ink and associating said classified electronic ink with at least one object of said displayed information.

An aspect includes a system for associating electronic ink with content having objects comprising: an input receiving the output of a digitizer; a processor connected to said input; a storage connected to said processor, said storage storing said content; and an output connected to said processor, wherein said processor classifies electronic ink related to signals received from said input, said processor associates said electronic ink to said content, said processor transforms said electronic ink, and said processor outputs said transformed electronic ink to said output.

More detailed summaries for each of appealed claims, including references to the specification and drawings, are set forth below. In making reference herein to various portions of the specification and drawings in order to explain the claimed invention (as required by 37 C.F.R. § 1.192(c)(5)), Appellants do not intend to limit the claims; all references to the specification and drawings are exemplary unless otherwise explicitly stated.

**A. Claims 1, 3-6, 9-13, 29 and 30**

The inventive computer implemented method for adding electronic ink to displayed information on a system having a display of independent claim 1 and claims 3-6, 9-13 and 30 depending therefrom, comprise steps of classifying the electronic ink (1302-1307) based on a shape of the electronic ink and associating the electronic ink with at least one object of the displayed information. (See Figures 13-16). As recited in the claim 4, the classifying step includes the step of determining a ratio of the electronic ink height to width. (See specification page 25, lines 6-15). As recited in claim 5, the associating step includes a step of anchoring the electronic ink to the at least

one object be adding a link to the displayed information. As recited in claim 6, the associating step includes anchoring the electronic ink to a file position of the at least one object. As recited in claim 9, the classifying step includes classifying the ink as in-line words (1305) in which the at least one object is within a flow of text. (See specification, page 24, lines 9-15 and FIG. 13 and 14). As recited in claim 10, the classifying step includes classifying the ink as text marks. (See specification page 24, table and pg. 25, lines 6-15). As recited in claim 11, the classifying step includes classifying the electronic ink as in-line paragraphs and sketches. As recited in claim 12, the classifying step includes classifying the electronic ink as margin notes (1307)(See FIG. 13, specification 24, lines 5-14). As recited in claim 13, the classifying step includes classifying the electronic ink as a connector (1309)(See FIG. 13, specification 24, lines 5-14). As recited in claim 29, the embedded ink occupies an in-line flow of the at least one object. As recited in claim 30, the classifying step includes classifying the electronic ink as a chain of strokes and the associating step includes associating a center of said chain of strokes with said at least one object.

**B. Claim 2**

The inventive computer implemented method for adding electronic ink to displayed information on a system having a display of independent claim 2 comprises steps of classifying the electronic ink (1302-1307) and associating the electronic ink with at least one object of the displayed information. (See Figures 13-16) The classifying step includes classifying the electronic ink as embedded ink or overlaid ink. (See specification page 24).

**C. Claim 7**

The inventive computer implemented method for adding electronic ink to displayed

information on a system having a display of independent claim 7 comprises steps of classifying the electronic ink and associating the electronic ink with at least one object of said displayed information. The associating step further includes the step of anchoring the electronic ink to the at least one object by adding a link at or near the object pointing to said electronic ink.

**D. Claim 8**

The inventive computer implemented method for adding electronic ink to displayed information on a system having a display of independent claim 8 comprises the steps of classifying the electronic ink and associating the electronic ink with at least one object of the displayed information, wherein the relationship of the electronic ink to the at least one object is maintained despite re-flowing of the displayed information by a layout engine.

**E. Claims 14-26**

The inventive computer readable medium with a program for a method for adding electronic ink to displayed information on a system having a display of independent claim 14 and claims 15-26 depending therefrom, comprise steps of classifying the electronic ink (1302-1307) based on the shape of the electronic ink and associating the electronic ink with at least one object of the displayed information. (See Figures 13-16). As recited in claim 15, the classifying step includes classifying the electronic ink as embedded ink or overlaid ink. (See specification page 24). As recited in the claim 17, the classifying step includes the step of determining a ratio of the electronic ink height to width. (See specification page 25, lines 6-15) As recited in claim 18, the associating step includes a step of anchoring the electronic ink to the at least one object by adding a link to the displayed information. As recited in claim 19, the associating step includes anchoring the electronic ink to a file position of

the at least one object. As recited in claim 20, associating step includes further includes the step of anchoring the electronic ink to the at least one object by adding a link at or near the object pointing to said electronic ink. As recited in claim 21, the relationship of the electronic ink to the at least one object is maintained despite re-flowing of the displayed information by a layout engine. As recited in claim 22, the classifying step includes classifying the ink as in-line words (1305) in which the at least one object is within a flow of text. (See specification, page 24, lines 9-15 and FIG. 13 and 14). As recited in claim 23, the classifying step includes classifying the ink as text marks. (See specification page 24, table and pg. 25, lines 6-15). As recited in claim 24, the classifying step includes classifying the electronic ink as in-line paragraphs and sketches. As recited in claim 25, the classifying step includes classifying the electronic ink as margin notes (1307)(See FIG. 13, specification 24, lines 5-14). As recited in claim 26, the classifying step includes classifying the electronic ink as a connector (1309)(See FIG. 13, specification 24, lines 5-14).

**F. Claims 27-28**

The inventive system for associating electronic ink with content having objects of independent claim 27 and claims 28 and 29 depending therefrom comprises an input receiving the output of a digitizer 165; a processor 210 connected to said input; a storage 250 connected to said processor, the storage 250 mstoring the content; and an output connected to the processor 210, wherein the processor classifies electronic ink related to signals received from the input, said processor associates said electronic ink to said content, said processor transforms said electronic ink, and said processor outputs said transformed electronic ink to said output. As recited in claim 28, the processor classifies the electronic ink as embedded ink or overlaid ink.

## **VI. ISSUES**

1. Whether claims 2, 7, 8 and 27-29 are anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,335,727 to Morishita.
2. Whether claim 8 is unpatentable under 35 U.S.C. § 112, second paragraph.
3. Whether claims 1, 3-6, and 14-21 unpatentable under 35 U.S.C. § 103(a) as obvious over Morishita in view of U.S. Patent No. 6,340,967 to Maxted.
4. Whether claim 9-13 and 22-26 are unpatentable under 35 U.S.C. § 103(a) as obvious over Morishita and Maxted in view of U.S. Patent No. 5,889,525 to Wilcox.
5. Whether claim 30 is unpatentable under 35 U.S.C. § 103(a) for obviousness over Morishita and Maxted in view of U.S. Patent No. 6,384,815 to Huang.

## **VII. GROUPING OF CLAIMS**

The following groups of claims stand or fall together in the indicated groups: Separate reasons are set forth below with respect to each group.

1. Claims 1 and 14.
2. Claim 2.
3. Claim 15.
4. Claims 3 and 16.
5. Claims 4 and 17.
6. Claims 5 and 18.



7. Claims 6 and 19.

8. Claim 7.

9. Claim 20.

10. Claim 8.

11. Claim 21.

12. Claims 9 and 22.

13. Claims 10 and 23.

14. Claims 11 and 24.

15. Claims 12 and 25.

16. Claim 13 and 26.

17. Claim 27 and 28.

18. Claim 29.

19. Claim 30.

## **VIII. ARGUMENT**

### **1. Independent Claims 1 and 14**

The Office Action proposes a combination of Morishita and Maxted to reject claims 1 and 14 under 35 U.S.C. § 103(a). It is respectfully asserted that Morishita and Maxted combination fail to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified

electronic ink with at least one object of the displayed information.

a. **Limitations Are Not Met**

When evaluating patentability under 35 U.S.C. § 103(a), all claim limitations must be considered, especially when they are missing from the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (Federal Circuit held a reference did not render the claimed combination obvious because the examiner ignored a claimed limitation that was absent from the reference). Furthermore, functional limitations must be evaluated and considered, just like any other limitation of a claim. See MPEP § 2173.05(g).

As recited in claims 1 and 14, the electronic ink is added to the display information and then the ink is classified based on the shape of the electronic ink. The Office Action alleges that classifying the electronic ink is “equivalent to identifying that the electronic ink can be used in different modes.” (Office Action ¶10). The Office Action alleges that Morishita teaches classifying the electronic ink by equating it to “the classifying of first and second modes as shown in figures 44A and 44B and col 25, lines 27-41.” (Office Action, ¶5). Morishita, however, **does not** classify electronic ink, but merely allows a user to designate *a search region within electronic ink*. Morishita only makes reference to the selection of a first and second mode in which a user may manually select one of two *selection modes* to specify a search region within a closed curve or a rectangular. Morishita states that FIGS. 44A to 44C “show an example for **searching** designated writing information from the information storing section 13.” (Emphasis added)(Morishita, col. 25, lines 41-58). Further, the Office Action at ¶ 10 also discusses the first and second modes of Morishita, e.g., “the electronic ink can be used in different modes” and the “electronic ink is classified as ink for

writing, and when the device is used for erasing, the electronic ink is classified as eraser ink.” In clear contrast, the claims 1 and 14 recite in-part that the electronic ink is **added** to the displayed information and then classified once added. In this regard, nothing in Morishita discloses “eraser ink.”

Claim 1 and 14 further recite among other features a step of “associating said classified electronic ink with at least one object of said displayed information.” The Office Action asserts that Morishita teaches associating electronic ink with at least one object of the displayed information by “searching a written image in a region enclosed within a closed curve...” Office Action, ¶5. However, searching a written image in a region enclosed within a closed curve does not suggest or teach associating electronic ink with at least one object of the displayed information. In fact, Morishita does not suggest associating electronic ink with anything remotely similar to an object of the displayed information. Morishita merely describes a search curve with a selected region. (See Morishita, col. 25, lines 41-48).

**b. There is no Motivation to Arrive at the Claimed Inventions**

It is respectfully submitted that Morishita and Maxted do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. Maxted merely allows a user to place edit symbols in a Selection Window 24. There is no teaching, nor any reason of modifying Morishita’s search region embodiment with edit symbols of Maxted for text. The Office Action states on page 6, “it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the teaching of Maxted having the shape of the electronic ink affects the classifying of the electronic ink, to be incorporated to Morishita’s device so as motivated by

Maxted, to reduce the number of symbols used in an electronic ink device by changing the mode(i.e. classifying of the ink) based on the shape of the electronic ink.” In view of the foregoing reasoning of the Office Action, as clearly held by the U.S. Court of Appeals for the Federal Circuit, “[i]t is impermissible to use the claimed invention as an *instruction manual* or “*template*” to piece together the teaching of the prior art ... [o]ne cannot use hindsight construction to pick and choose among isolated disclosures ... to deprecate the claimed invention.” *In re Fritch* , 972 F.2d 1260, 1266 (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (emphasis added)). (See also M.P.E.P. 2142). Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of independent claims 1 and 14 are respectfully requested.

## **2. Independent Claim 2**

The Office Action rejected claim 2 under 35 U.S.C. § 102(e) as anticipated by Morishita. With regard to claim 2, it is respectfully asserted that Morishita fails to disclose the inventive computer implemented method for adding electronic ink to displayed information on a system having a display of comprising the steps of classifying the electronic ink and associating the electronic ink with at least one object of the displayed information. The classifying step includes classifying the electronic ink as embedded ink or overlaid ink.

For claim 2, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink.” For the same reasons, Morishita fails to disclose the step of “classifying the electronic ink.”

The Office Action alleges that Morishita teaches classifying electronic ink as embedded ink

or overlaid ink. (See Office Action ¶5, and pg. 10). It is respectfully asserted that Morishita **fails** to disclose the recited classifying step including classifying electronic ink as one of **embedded ink and overlaid ink**.

As set forth in claim 2, the recited electronic ink is added to the displayed information and is classified one of as embedded ink and overlaid ink. In clear contrast, the alleged embedded ink described in Morishita refers to “special ink” located within the information writing section 11 of the so-called information input device 10. In particular, Morishita states that “[w]hen the surface of the position information holding device 25 is colored in white by special optical coating, and **a writing section using a special ink is embedded in the information writing section 11**, a writing operation can be performed using the position information holding device 25 itself as a writing medium 29 (display device) without using paper.” (Emphasis added) (Morishita, col. 30, lines 64-67 to col. 31, lines 1-3). In the recited embedded ink of claim 2, the electronic ink is classified after being added to the information display as part of the association with at least one object. Thus, Morishita does not have the recited limitations of both claims. Further, Morishita’s eraser mode embodiment merely relates to making an erasing region, there is no teaching or suggesting of receiving added electronic and classifying the added electronic ink as overlaid ink or embedded ink. (See col. 20, lines 20-41). With respect to claim 2, “Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. . . . **There must be no difference between the claimed invention and the reference disclosure.**” *Scripps Clinic & Research Found. v. Genentech Inc.*, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991)(emphasis added). Clearly, Morishita fails to teach each and every feature of claim 2 and there are a number of differences. Accordingly,

reversal of the § 102 rejection of independent claim 2 is respectfully requested.

**3. Claim 15**

The Office Action rejected claim 15 under 35 U.S.C. § 103(a) as allegedly obvious over Morishita in view of Maxted. (See Office Action, page 6). With regard to claim 15, it is respectfully asserted that Morishita and Maxted combination fails to reach the inventive computer readable medium with a program for a method for adding electronic ink to displayed information on a system having a display comprising steps of classifying the electronic ink based on the shape of the electronic ink and associating the electronic ink with at least one object of the displayed information; wherein the classifying step includes classifying the electronic ink as embedded ink or overlaid ink.

**a. Limitations Are Not Met**

For claim 15, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink.” *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (Federal Circuit held a reference did not render the claimed combination obvious because the examiner ignored a claimed limitation that was absent from the reference). As set forth in claim 15, the recited electronic ink is added to the displayed information and is classified based on a shape of the electronic ink as one of embedded ink and overlaid ink. Applicants incorporate by reference the arguments of claim 2 with regard to Morishita’s in failure in disclosure of embedding ink and the recited classifying steps.

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita and Maxted do not reach the present invention. Maxted does not make up for the deficiencies of Morishita. The Office Action provides no particular

reason why one of ordinary skill in the art would use the classifying ink based on shape to classifying as one of embedded and overlaid ink. Applicants respectfully submit that no *prima facie* reason has been established for combining Morishita's embedded ink and overlaid ink embodiments and Maxted's pen based edit correction interface, nor any other cited art. The legal standard of obviousness requires that "particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the matter claimed." *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (emphasis added). Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejection of claim 15 is respectfully requested.

#### **4. Claims 3 and 16**

The Office Action proposes a combination of Morishita and Maxted to reject claims 3 and 16 under 35 U.S.C. § 103(a). It is respectfully asserted that Morishita and Maxted combination fail to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; wherein the classifying step includes the step of determining its distance to other annotations.

##### **a. Limitations Are Not Met**

For claims 3 and 16, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of "classifying the electronic ink based on a shape of electronic ink." There is no teaching of the classifying step of determining its distance to other annotations. Morishita

fails to teach annotations, much less teach or suggest determining a distance to an annotation. There are no annotations. See *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita and Maxted do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. The Office Action provides no particular reason why one of ordinary skill would reach to claimed invention. There is no reason, nor is there any desirability of combining the mode embodiments of Morishita and Maxted's editing interface embodiment as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 3 and 6 is respectfully requested.

**5. Claims 4 and 17**

The Office Action proposes a combination of Morishita and Maxted to reject claims 3 and 16 under 35 U.S.C. § 103(a). It is respectfully asserted that Morishita and Maxted combination fail to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; wherein the classifying step includes the step of determining a ratio of the electronic ink height to width

**a. Limitations Are Not Met**

For claims 4 and 17, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of "classifying the electronic ink based on a shape of electronic ink." The



Office Action alleges that “the width determination of the recorded writing pattern and displayed writing pattern is indicative the ratio of the height to width.” (Office Action, page 6) There is simply no teaching of the recited classifying step based on the shape and including the step of determining a ratio of the electronic ink height to width. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita and Maxted do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. The Office Action provides no particular reason why one of ordinary skill would the reach to the claimed invention. There is no reason, nor any desirability of combining the mode embodiments of Morishita and Maxted editing interface embodiments in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 4 and 17 is respectfully requested.

**6. Claims 5 and 18**

The Office Action proposes a combination of Morishita and Maxted to reject claims 5 and 18 under 35 U.S.C. § 103(a). It is respectfully asserted that Morishita and Maxted combination fail to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; wherein the associating step includes a step of anchoring the electronic ink to the at least one object by adding a link to the displayed information.

a. **Limitations Are Not Met**

For claims 5 and 18, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink.” The Office Action alleges that Morishita’s embodiment of circling a written image for search apparently equates to the concept of anchoring the electronic ink to the at least one object and adding the link to the displayed information apparently equates to linking to a search region (Office Action, page 6). There is simply no teaching of the recited anchoring step. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

b. **There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita and Maxted do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. The Office Action provides no particular reason why one of ordinary skill would reach to the claimed invention. There is no reason, nor any desirability of combining the mode embodiments of Morishita and Maxted editing interface in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 5 and 18 is respectfully requested.

**7. Claims 6 and 19**

The Office Action proposes a combination of Morishita and Maxted to reject claims 6 and 19 under 35 U.S.C. § 103(a). It is respectfully asserted that Morishita and Maxted combination fail to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of

classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; wherein the associating step includes anchoring the electronic ink to a file position of the at least one object.

**a. Limitations Are Not Met**

For claims 6 and 19, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink.” The Office Action alleges that Morishita’s embodiment to a search region apparently equates to the recited anchoring step. (See Office Action, page 6) There is simply no teaching of anchoring. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita and Maxted do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. The Office Action provides no particular reason why one of ordinary skill would reach to the claimed invention. There is no reason, nor is there any desirability of combining the mode embodiments of Morishita and Maxted editing interface in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 6 and 19 is respectfully requested.

**8. Claim 7**

The Office Action rejected claim 7 under 35 U.S.C. § 102(e) as anticipated by Morishita. For claim 7, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink.” For the same reasons, Morishita fails to disclose the step

of “classifying the electronic ink.” With regard to claim 7, the Office Action alleges that Morishita teaches the recited anchoring step. It is respectfully asserted that Morishita fails to teach or suggest associating the electronic ink with at least one object of the displayed information wherein **said associating step further includes the step of: anchoring said electronic ink to said at least one object by adding a link at or near said object pointing to said electronic ink.**

The Office Action asserts that the closed curve being near the search region is sufficiently similar to claim 7 to sustain the rejection under 35 U.S.C § 102(e). (See Office Action ¶ 5). There is no teaching of anchoring, nor a teaching of adding the recited link. Sufficiently similar is not the legal standard for anticipation. “[F]or a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art.” *Motorola, Inc. v. Interdigital Tech. Corp.*, 43 USPQ2d 1481, 1490 (Fed. Cir. 1997). Claim 7 is allowable and the rejection under 35 U.S.C. § 102(e) is improper and must be withdrawn. Accordingly, reversal of the § 102 rejection of independent claim 7 is respectfully requested.

#### **9. Claim 20**

The Office Action proposes a combination of Morishita and Maxted to reject claim 20 under 35 U.S.C. § 103(a). It is respectfully asserted that Morishita and Maxted combination fail to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; said associating step further includes the step of: anchoring said electronic ink to said at least one object by adding a link at or

near said object pointing to said electronic ink.

**a. Limitations Are Not Met**

For claim 20, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink.” There is no teaching of the recited associating step further including the step of: anchoring said electronic ink to said at least one object by adding a link at or near said object pointing to said electronic ink. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita and Maxted do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. The Office Action provides no particular reason why one of ordinary skill would the reach to the claimed invention. There is no reason, nor is there any desirability of combining the modes embodiment of Morishita and Maxted editing interface in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejection of claim 20 is respectfully requested.

**10. Claim 8**

Claim 8 was rejected under 35 U.S.C. § 112, second paragraph. Among other features claim 8 recites, “the relationship of said electronic ink to said at least one object is maintained despite re-flowing of said displayed information by a layout engine.” The re-flow concept is supported at least on pages 26-28 and shown in FIGS. 14-16 of the instant application. For example, in one embodiment, as shown in Figure 14 on page 1401, ink 1403 anchored to a single position in an in-

line flow, and not in a margin, re-positions and re-scales along with the element immediately preceding or following the anchor. With respect to Figure 14, the outline 1403 on page 1401 continues to outline the text 'in-line' as 1404 on page 1402 despite the re-flow of text between the two pages, due to at least in part on the change in font size. Thus, the displayed information is re-flowed and the relationship of said electronic ink to said least one object is maintained. Applicants respectfully request withdrawal of the rejection.

The Office Action rejected claim 8 under 35 U.S.C. § 102(e) as anticipated by Morishita. For claim 8, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of "classifying the electronic ink." For the same reasons, Morishita fails to disclose the step of "classifying the electronic ink." The Office Action alleges that Morishita shows that electronic ink may be maintained despite having other information. It is respectfully asserted that Morishita is **completely devoid** of a concept **re-flowing** displayed information including an object and maintaining the relationship of the added electronic ink with the object. Further, there is no layout engine. "Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. . . . **There must be no difference between the claimed invention and the reference disclosure.**" *Scripps Clinic & Research Found. v. Genentech Inc.*, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991)(emphasis added). In view of the foregoing, Morishita fails to teach each and every feature of claim 8 as recited. Thus, claim 8 is allowable over Morishita.

#### **11. Claim 21**

The Office Action rejected claim 21 under 35 U.S.C. § 103(a) as allegedly obvious over Morishita in view of Maxted. (See Office Action, page 6). With regard to claim 15, it is respectfully

asserted that Morishita and Maxted combination fails to reach the inventive computer readable medium with a program for a method for adding electronic ink to displayed information on a system having a display comprising steps of classifying the electronic ink based on the shape of the electronic ink and associating the electronic ink with at least one object of the displayed information; wherein the relationship of said electronic ink to said at least one object is maintained despite re-flowing of said displayed information by a layout engine.

**a. Limitations Are Not Met**

For claim 21, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink.” Applicants incorporate by reference the arguments of claim 8 as to Morishita’s failure in teachings. Further there is no layout engine. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) (Federal Circuit held a reference did not render the claimed combination obvious because the examiner ignored a claimed limitation that was absent from the reference).

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita and Maxted do not reach the present invention. Maxted does not make up for the deficiencies of Morishita. The Office Action provides no particular reason why one of ordinary skill would the reach to the claimed invention. There is no reason, nor any desirability of combining the mode embodiments of Morishita and Maxted editing interface embodiments in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejection of claim 21 is respectfully requested.

## **12. Claims 9 and 22**

The Office Action proposes a combination of Morishita, Maxted and Wilcox to reject claims 9 and 22 under 35 U.S.C. § 103(a). It is respectfully asserted that the Morishita, Maxted and Wilcox combination fails to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; wherein the classifying step includes classifying the ink as in-line words in which the at least one object is within a flow of text.

### **a. Limitations Are Not Met**

For claims 9 and 22, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink” and the recited associating step. With regard to claims 9 and 22, the concept of in-line words is at least discussed on page 24 and shown in FIG. 13 of the instant application. For example as shown FIG. 13, the words ‘This ink’s in-line with text’ 1305 were inserted into the flow of the text. Nothing in Wilcox discloses the recited the classifying step including classifying the ink as in-line words in which the at least one object is within a flow of text. In particular, FIGS 3 and 9 of Wilcox are completely devoid of in-line word within a flow of text. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).



**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita, Maxted and Wilcox do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. Likewise, Wilcox fails to make of the deficiencies of Morishita and Maxted. The Office Action provides no particular reason why one of ordinary skill would the reach to the claimed invention as to Maxted and Morishita. Applicants respectfully submit that no *prima facie* reason has been established for combining the modes embodiments of Morishita and Maxted editing interface nor any other art in the manner as claimed. The legal standard of obviousness requires that “particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the matter claimed.” *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (emphasis added). Hence, the Office has failed to state a supported case of *prima facie* obviousness. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 9 and 22 are respectfully requested.

**13. Claims 10 and 23**

The Office Action proposes a combination of Morishita, Maxted and Wilcox to reject claims 9 and 22 under 35 U.S.C. § 103(a). It is respectfully asserted that the Morishita, Maxted and Wilcox combination fails to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; classifying step includes classifying the ink as text marks.

a. **Limitations Are Not Met**

For claims 10 and 23, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink” and the recited associating step. With regard to claims 10 and 23, the concept of text marks is at least discussed on pages 24 and 25 of the instant application. Wilcox fails to teach “said classifying step classifies said ink as text marks.” Nothing in Wilcox discloses the recited the classifying step including classifying the ink as text marks. In particular, FIGS 3 and 9 of Wilcox are completely devoid of text marks. See *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

b. **There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita, Maxted and Wilcox do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. Likewise, Wilcox fails to make of the deficiencies of Morishita and Maxted. The Office Action provides no particular reason why one of ordinary skill would the reach to the claimed invention as to Maxted and Morishita. Applicants respectfully submit that no *prima facie* reason has been established for combining the modes embodiments of Morishita and Maxted editing interface nor any other art in the manner as claimed. The legal standard of obviousness requires that “particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the matter claimed.” *In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (emphasis added). Hence, the Office has failed to state a supported case of *prima facie* obviousness. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 10 and 23 are respectfully requested.

#### **14. Claims 11 and 24**

The Office Action proposes a combination of Morishita, Maxted and Wilcox to reject claims 9 and 22 under 35 U.S.C. § 103(a). It is respectfully asserted that the Morishita, Maxted and Wilcox combination fails to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; the classifying step includes classifying the electronic ink as in-line paragraphs and sketches.

##### **a. Limitations Are Not Met**

For claims 11 and 24, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink” and the recited associating step. Nothing in Wilcox discloses the recited the classifying step includes classifying the electronic ink as in-line paragraphs and sketches. In particular, FIGS 3 and 9 of Wilcox are completely devoid of in-line paragraphs. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

##### **b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita, Maxted and Wilcox do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. Likewise, Wilcox fails to make of the deficiencies of Morishita and Maxted. The Office Action provides no particular reason why one of ordinary skill would the reach to the claimed invention as to Maxted and Morishita. Applicants respectfully submit that no *prima facie* reason has been established for combining the

modes embodiments of Morishita and Maxted editing interface nor any other art in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 11 and 24 are respectfully requested.

**15. Claims 12 and 25**

The Office Action proposes a combination of Morishita, Maxted and Wilcox to reject claims 12 and 25 under 35 U.S.C. § 103(a). It is respectfully asserted that the Morishita, Maxted and Wilcox combination fails to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; the classifying step includes classifying the electronic ink as margin notes.

**a. Limitations Are Not Met**

For claims 12 and 25, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink” and the recited associating step. Nothing in Wilcox discloses the recited the classifying step includes classifying the electronic ink as margin notes. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita, Maxted and Wilcox do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. Likewise, Wilcox fails to

make of the deficiencies of Morishita and Maxted. The Office Action provides no particular reason why one of ordinary skill would reach to the claimed invention as to Maxted and Morishita. Applicants respectfully submit that no *prima facie* reason has been established for combining the modes embodiments of Morishita and Maxted editing interface nor any other art in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 12 and 25 are respectfully requested.

**16. Claims 13 and 26**

The Office Action proposes a combination of Morishita, Maxted and Wilcox to reject claims 13 and 26 under 35 U.S.C. § 103(a). It is respectfully asserted that the Morishita, Maxted and Wilcox combination fails to reach the inventive computer implemented method or a computer readable with a method for adding electronic ink to displayed information on a system having a display comprising the steps of classifying the electronic ink based on a shape of the electronic ink; and associating the classified electronic ink with at least one object of the displayed information; wherein the classifying step includes classifying the electronic ink as a connector.

**a. Limitations Are Not Met**

For claims 13 and 26, applicants incorporate by reference the arguments with respect to claims 1 and 14 regarding the step of “classifying the electronic ink based on a shape of electronic ink” and the recited associating step. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

**b. There is no Motivation to Arrive at the Claimed Invention**

It is respectfully submitted that Morishita, Maxted and Wilcox do not reach the present inventions. Maxted does not make up for the deficiencies of Morishita. Likewise, Wilcox fails to make of the deficiencies of Morishita and Maxted. The Office Action provides no particular reason why one of ordinary skill would reach to the claimed invention as to Maxted and Morishita. Applicants respectfully submit that no *prima facie* reason has been established for combining the modes embodiments of Morishita and Maxted editing interface nor any other art in the manner as claimed. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Hence, the Office has failed to state a supported case of *prima facie* obviousness. Accordingly, reversal of the § 103 rejections of claims 13 and 26 are respectfully requested.

**17. Claims 27 and 28**

The Office Action relies on Morishita to reject claims 27 and 28 under 35 U.S.C. § 102(e). Applicants respectfully disagree with these rejections. Independent claim 27 recites, among other features, “wherein said processor classifies electronic ink related to signals received from said input, said processor associates said electronic ink to said content, said processor transforms said electronic ink, and said processor outputs said transformed electronic ink to said output.” Morishita does not disclose a processor that **1) classifies electronic ink and associates electronic ink with the content; 2) transforms the electronic ink; and 3) outputs the transformed electronic ink.** Morishita fails to disclose each and every feature of claim 27. Hence, claim 27 is allowable. Claim 28 depends from claim 27 and is thus allowable for at least the same reasons.

In addition, claim 28 recites that “said processor classifies said electronic ink based as one of embedded ink and overlaid ink.” Morishita does not teach or suggest classifying electronic ink as one of embedded ink and overlaid ink as discussed above with regard to claim 2. Morishita fails to teach each and every feature of claim 28. Hence, claim 28 is allowable.

#### **18. Claim 29**

Claim 29 fails to teach or suggest the recited features. There is no embedded ink that occupies an in-line flow of the at least one object on the display. Claim 29 is allowable for the reasons of claim 2 and features discussed in the foregoing.

Maxted does not make up for the deficiencies of Morishita. Maxted merely allows a user to place edit symbols in a Selection Window 24. There is no teaching, nor any reason of modifying Morishita’s search region embodiment with edit symbols of Maxted for text. It is quite clear that “[t]he mere fact that prior art could be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984)(reversing an obviousness rejection). In view of the foregoing, as clearly held by the U.S. Court of Appeals for the Federal Circuit, “[i]t is impermissible to use the claimed invention as an *instruction manual* or “*template*” to piece together the teaching of the prior art ... [o]ne cannot use hindsight construction to pick and choose among isolated disclosures ... to deprecate the claimed invention.” *In re Fritch*, 972 F.2d 1260, 1266 (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) (emphasis added)). (See also M.P.E.P. 2142). Nonetheless, claim 1 is allowable.

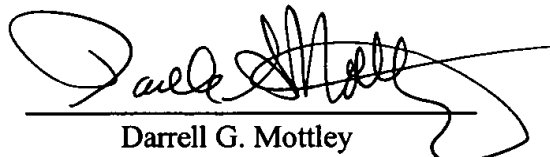
**19. Claim 30**

The Office Action proposes a combination of Morishita, Maxted, and U.S. Patent No. 6,384,815 (Huang) to reject claim 30 under 35 U.S.C. § 103(a). Claim 30 depends from claim 1 and recites “wherein said step of classifying including classifying said electronic ink as a chain of strokes and said associating step includes associating a center of said chain of strokes with said at least one object.” Huang adds nothing pertinent to Morishita. It is respectfully asserted that claim 30 is allowable for being dependent on claim 1. Nevertheless, claim 30 is allowable because the references do not teach or suggest the inventive features as recited.

**VIII. CONCLUSION**

For all of the foregoing reasons, the final rejections of claims pending claims 2, 7, 8 and 27-29 under 35 U.S.C. § 102(e); claims 1, 3-6 and 14-21 under 35 U.S.C. § 103(a); and claims 9-13 and 22-26 under 35 U.S.C. § 103(a); claim 8 under 35 U.S.C. § 112, second paragraph; and claim 30 was under 35 U.S.C. § 103(a) are improper. Reversal of the rejections, and passage of the application to allowance are respectfully requested.

Respectfully submitted,

  
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## **APPENDIX**

### **PENDING CLAIMS**

1. (Previously Presented) A computer-implemented method for adding electronic ink to displayed information on a system having a display, said method comprising the steps of:  
classifying said electronic ink based on a shape of said electronic ink;  
associating said classified electronic ink with at least one object of said displayed information.

2. (Previously Presented) A computer-implemented method for adding electronic ink to displayed information on a system having a display, said method comprising the steps of:  
classifying said electronic ink;  
associating said electronic ink with at least one object of said displayed information, wherein said classifying step classifies said electronic ink as one of embedded ink and overlaid ink.

3. (Original) The method according to claim 1, wherein said classifying step includes the step of determining its distance to other annotations.

4. (Previously Presented) The method according to claim 1, wherein said classifying step includes the step of determining the ratio of said electronic ink height to width.

5. (Original) The method according to claim 1, wherein said associating step further includes the step of:  
anchoring said electronic ink to said at least one object by adding a link to said displayed information.

6. (Original) The method according to claim 1, wherein said associating step further includes the step of:

anchoring said electronic ink to a file position of said at least one object.

7. (Previously Presented) A computer-implemented method for adding electronic ink to displayed information on a system having a display, said method comprising the steps of:

classifying said electronic ink;

associating said electronic ink with at least one object of said displayed information, wherein said associating step further includes the step of:

anchoring said electronic ink to said at least one object by adding a link at or near said object pointing to said electronic ink.

8. (Previously Presented) A computer-implemented method for adding electronic ink to displayed information on a system having a display, said method comprising the steps of:

classifying said electronic ink;

associating said electronic ink with at least one object of said displayed information, wherein the relationship of said electronic ink to said at least one object is maintained despite re-flowing of said displayed information by a layout engine.

9. (Previously Presented) The method according to claim 1, wherein said classifying step classifies said ink as in-line words in which said at least one object is within a flow of text.

10. (Original) The method according to claim 1, wherein said classifying step classifies said ink as text marks.

11. (Original) The method according to claim 1, wherein said classifying step classifies said ink as in-line paragraphs and sketches.

12. (Original) The method according to claim 1, wherein said classifying step classifies said ink as margin notes.

13. (Original) The method according to claim 1, wherein said classifying step classifies said ink as a connector.

14. (Previously Presented) A computer readable medium having a program stored thereon, said program implementing a method for adding electronic ink to displayed information on a system having a display, said program comprising the steps of:

classifying said electronic ink based on shape of the electronic ink;  
associating said classified electronic ink with at least one object of said displayed information.

15. (Original) The computer readable medium according to claim 14, wherein said classifying step classifies said electronic ink as one of embedded ink and overlaid ink.

16. (Original) The computer readable medium according to claim 14, wherein said classifying step includes the step of determining its distance to other annotations.

17. (Previously Presented) The computer readable medium according to claim 14, wherein said classifying step includes the step of determining the ratio of said electronic ink height to width.

18. (Original) The computer readable medium according to claim 14, wherein said associating step further includes the step of:

anchoring said electronic ink to said at least one object by adding a link to said displayed information.

19. (Original) The computer readable medium according to claim 14, wherein said associating step further includes the step of:

anchoring said electronic ink to a file position of said at least one object.

20. (Original) The computer readable medium according to claim 14, wherein said associating step further includes the step of:

anchoring said electronic ink to said at least one object by adding a link at or near said object pointing to said electronic ink.

21. (Original) The computer readable medium according to claim 14, wherein the relationship of said electronic ink to said at least one object is maintained despite re-flowing of said displayed information by a layout engine.

22. (Previously Presented) The computer readable medium according to claim 14, wherein said classifying step classifies said ink as in-line words in which said at least one object is within a flow of text.

23. (Original) The computer readable medium according to claim 14, wherein said classifying step classifies said ink as text marks.

24. (Original) The computer readable medium according to claim 14, wherein said classifying step classifies said ink as in-line paragraphs and sketches.

25. (Original) The computer readable medium according to claim 14, wherein said classifying step classifies said ink as margin notes.

26. (Original) The computer readable medium according to claim 14, wherein said classifying step classifies said ink as a connector.

27. (Original) A system for associating electronic ink with content having objects comprising:

an input receiving the output of a digitizer;

a processor connected to said input;  
a storage connected to said processor, said storage storing said content; and  
an output connected to said processor,  
wherein said processor classifies electronic ink related to signals received from said input,  
said processor associates said electronic ink to said content, said processor transforms said electronic  
ink, and said processor outputs said transformed electronic ink to said output.

28. (Original) The system according to claim 27, wherein said processor classifies said  
electronic ink based as one of embedded ink and overlaid ink.

29. (Previously Presented) The method of claim 2, wherein said embedded ink occupies an  
in-line flow of said at least one object.

30. (Previously Presented) The method of claim 1, wherein said step of classifying including  
classifying said electronic ink as a chain of strokes and said associating step includes  
associating a center of said chain of strokes with said at least one object.